

BOARD OF SELECTMEN  
Tuesday, August 23, 2016  
Conference Room A, Town Hall

A meeting of the Board of Selectmen was held at 7pm in Conference Room A in Town Hall on Tuesday, August 23, 2016; present were five selectpersons, the Town Administrator and the Asst. Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Public Comment Period: T. Arsenian, 95 Granite St., said last Thursday the Planning Board held a hearing on the zoning articles. He said about 25 citizens attended, but no member of the Board of Selectmen was in attendance. He said the majority of attendees were of the opinion that the work on Aircraft landings by Ed Hand was unsatisfactory. Most people wanted to see aircraft/helicopters forbidden. He said at the hearing S. Jacques said to offer a motion to direct the Selectmen to petition the legislature for permission to control the landings and launching of aircrafts. T. Arsenian offered a resolution to Rep. Ferrante and Sen. Tarr to give cities and towns individual control. The Planning Board did not provide a response to T. Arsenian. He wants the Board to request control over such things in a town meeting article; to offer a motion or resolution.

Public Comment  
Period

The Town Administrator said we are contacting the legislature on a regular basis. Cities and towns cannot affect any operation of helicopters. This is a way to at least regulate the landing of them. We are already petitioning the legislature. Selectperson Wilkinson said a press release could explain this to the public and encourage residents to attend planning board meetings. The recent Planning Board meeting was covered by Cape Ann Cable TV.

Frederick Tarr, 154 Main St., said the FAA determines the safety of landings. But it's the 1946 by-law that determines the landing sites. He also said that the elder meal center has an automatic door opener with a one hour timer. They have been asking the DPW for a longer period of time. He said the Union Cemetery is a mess, maybe the DPW could have a survey of what it would take to clean it up. He said it is eligible for CPC funds because it's an historic site. A tree was cut down by neighbors; it was 150 years old. The Town Administrator said this is being handled with legal action; the value of the tree is being appraised.

Z. Seppala, 92 Granite Street, said he is looking for clarification that the FAA approval for the site or landing is a resolved issue that they don't have to be involved in the landing. The Town Administrator said she has had many discussions on this; any by-laws that prohibit helicopter operations will not be approved.

Interview of Moira Kelly for new Street Performer's License: Selectperson Campbell moved that the Board of Selectmen approve a Street Performer License for Moira Kelly, Selectperson Wilkinson seconded, Vote: 4-0. M. Kelly plays the harp and demonstrated for the meeting.

Street Performer  
License for Moira  
Kelly  
Motion Approved

Selectperson Battistelli left the meeting.

Approval of 8/9/16  
Minutes  
Motion Approved

Approval of Minutes of August 9, 2016: Selectperson Sheedy moved that the Selectmen approve the minutes of August 9, 2016, Selectperson Campbell seconded, Vote: 3-0. Selectperson Wilkinson abstained as she was not present on 8/9/16.

Selectmen Updates  
and Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Campbell spoke on the Winter Parking Ban Committee, he said they held their first meeting and there were a lot of great ideas. He said it was a very productive meeting. The three meeting target is on line, the 2<sup>nd</sup> meeting is the 29<sup>th</sup> and the 3<sup>rd</sup> meeting is the 31<sup>st</sup>. All members are coming to the next meeting with their recommendations. He said he is attending the DPW Commission meeting tomorrow night; the DPW would like to schedule a workshop with the Board of Selectmen, including such topics as the Long Beach Seawall, plowing private roads, and the building study and re-establishing the building study committee. In early October, Town Counsel is coming to a Board of Selectmen meeting. Selectperson Wilkinson said before the issue of plowing private roads is discussed at a meeting, she would like to contact Town Counsel. Chairman Murphy announced that Lawrence Superior Court has denied S. Sheehan's class action suit, the primary provision has affected different lease holders differently. He said Sheehan can continue the suit on his own but not as a class action. Selectperson Wilkinson said this should reduce the legal costs for the town. Chairman Murphy said every time we are involved in litigation, it costs the town money. Selectperson Wilkinson said she is working with the Police Dept. on lifeguard issues, parking issues, increased patrols on beaches and town lots.

Town  
Administrator's  
Report

Town Administrator's Report:

- The Asst. Town Administrator said they are preparing the booklet and slides for Town Meeting. He said they are working on the Articles to get the books printed.
- The Economic Dev. Committee is discussing some projects and a database, as well as working on a brochure for new businesses.
- He said the Conservation Commission has asked a question regarding hunting on public property; they bumped it up to the Board of Selectmen. The Town Administrator said the Board should establish a policy.
- There was a discrepancy on the 8 Marmion Way property; we have reached out to town counsel. A check was missing in error, it is on the way.
- Chairman Murphy said he wanted to comment on the Town's response regarding the Lobster Pool; the police have been patrolling the area, the chief has met with the owners, the owners have private details on Saturday and Sunday, the parking committee has conducted a site visit, they have drafted no parking signs, the Board of Selectmen has discussed it and it is on the September agenda. The health agent has been involved as well; the inspector of buildings has been in contact regarding the zoning decision. The members of the Board of Selectmen have spent many hours fielding calls and have visited the site; the administrators have worked to closely monitor to ensure cooperation.

7:35 Action List

Action List:

Declaration of DPW  
Vehicles as Surplus  
Property  
Motion Approved

Declaration of DPW Vehicles as Surplus Property: Selectperson Wilkinson moved that the Selectmen declare #10 - 2003 Chevrolet Impala, #26 - 2000 Ford F250 Pickup

Truck, #33 -1999 Ford F350 Dump Truck, and #61 - 2006 Ford F350 Pickup Truck as surplus Town property, Selectperson Campbell seconded, Vote: 4-0.

Action List (con't)

Vote on FTM  
Articles:

Vote of Board's Position on FTM Articles:

- Selectperson Sheedy moved that the Board of Selectmen support Fall Town Meeting Article A to pay prior year bills and Article B that transfers funds between accounts, including the purchase of an animal control vehicle and emergency communications capital purchase, seconded by Selectperson Wilkinson, Vote: 4-0. Support Article A to pay prior year bills Motion Approved
- Selectperson Campbell moved that the Board of Selectmen support Fall Town Meeting Article C to hear the report of the CPC, Article D that transfers funds into three CPF reserve accounts, and Article E that includes the 6 projects approved by the CPC, seconded by Selectperson Sheedy, Vote: 4-0. Support Article C report from CPC Motion Approved
- Selectperson Wilkinson moved that the Board of Selectmen support Fall Town Meeting Article G that transfers funds to purchase a generator for the Town Hall Annex and Article H that transfers remaining funds into the Water Treatment account; seconded by Selectperson Sheedy, Vote: 4-0. Support Articles G and H funds to purchase generator & Water treatment acct Motion Approved
- Selectperson Wilkinson moved that the Board support Fall Town Meeting Article I that includes LED technology in the flood light and spotlight by-law, Article J that authorizes the Selectmen to grant an easement for an overhanging porch on Old Harbor Road, and Article K that establishes a Rockport Commission on Disability, seconded by Selectperson Sheedy, Vote: 4-0. Support Articles I, J, and K Motion Approved
- Selectperson Sheedy moved that the Board support Fall Town Meeting Article L that would regulate aircraft landing areas in town and Article M that would clarify the conversion single family homes to two family homes in the by-laws, seconded by Selectperson Wilkinson, Vote: 4-0. Support Article L Regulate aircraft landings Motion Approved

Selectperson Battistelli returned to the meeting.

- Rockport Music Request for Three Student Ensembles to Play Music on Streets from the Shalin Liu to Millbrook Meadow on August 27. Selectperson Campbell moved that the Board of Selectmen approve three student ensembles to play music on August 27th for Rockport Music's Gala Event; one ensemble will play from 5:15 to 5:45pm at the Shalin Lui and Congregational Church and the other two ensembles will play from 7:30 to 8:00pm at the Toad Hall Bookstore and the entrance to Millbrook Meadow, Selectperson Wilkinson seconded, Vote: 5-0. Rockport Music Request for Three Student Ensembles Motion Approved
- 53 Main Street, Pratt and Costello: Selectperson Battistelli moved that the Board of Selectmen approve and sign a license for the property at 53 Main Street to allow the extension of the decks that extend beyond the seawall at Front Beach, seconded by Selectperson Wilkinson, Vote: 5-0. The bank noticed an encroachment; they want permission so the bank, the title company and the town is on the same page. 53 Main Street, Pratt and Costello Deck Extension Motion Approved
- 44 Long Beach Lease Transfer to Kue Choi, President and Wayne D. Maggio, Treasurer of the Chicataubut Condominium Trust for Change of Name: Selectperson Wilkinson moved that the Board of Selectmen approve and sign a lease for 44 Long Beach with Kue Choi, President and Wayne D. Maggio, Treasurer of the Chicataubut Condominium Trust to reflect a name change, Selectperson Battistelli seconded, Vote: 5-0. 44 Long Beach Lease Transfer Motion Approved

51 Long Beach  
Lease Transfer  
Motion Approved

- 51 Long Beach Lease Transfer to Jane E. Dolan and Kathryn Dolan Kranz for Change of Name and Address: Selectperson Sheedy moved that the Board of Selectmen approve and sign a lease for 51 Long Beach with Jane E. Dolan and Kathryn Dolan Kranz to reflect a name change, Selectperson seconded, Vote: 5-0.

7:55 Discussion Item

Discussion Item:

Flag Drop Off Box

Flag Drop Off Box: Selectperson Campbell said he saw a posting online where a local post office donated a mailbox, it was painted and now being used for the proper disposal of flags. This function in Rockport is currently being handled by the Legion. He said it would be great if this initiative could be taken on by the boy scouts. The town does have a mailbox that can be used, it was donated by the Town of Newburyport, J. Smith will donate the supplies to paint it and let the boys scouts/girl scouts paint them. There are stipulations that it has to say clearly "not for mail"; it has to say "for flags only" and we'd have to change the lock. D. Campbell would like to see it in front of Town Hall; he said Gloucester has 5 of these drop boxes. Chairman Murphy recommended asking the Legion because they have a whole process in place for taking flags. Selectperson Campbell said he would like to see it placed on Broadway; discussion will continue on where it will be located.

Other Business/  
Announcements

Other Business/Announcements: J. Ugone, 33 Main St., said he has the by-laws with him tonight, he said in order to discharge a firearm; an individual would have to come to the Board of Selectmen for permission. If it's on private property, you need permission from the land owner. Selectperson Campbell said he'd like to see the name of the Town Hall Annex changed. Selectperson Wilkinson said we did go through a whole process at the time to name the building, but it certainly can be visited again. Selectperson Battistelli said the Gov't and By-law Committee should vet the proposed change to be sure it's compatible with other town and state law. The Town Administrator said they should be giving a report to Town Meeting on it.

8:10 Selectperson Sheedy moved to adjourn, seconded by Selectperson Battistelli, Vote: 5-0.

Items signed:

Warrant 8/25/16 payroll \$116,161.78, other expenses \$594,159.31.

Street Performer's License, Moira Kelly

Lease Agreement Condominium Trust Kue Choi and Wayne D. Maggio

Lease Agreement, Jane Dolan and Kathryn Dolan Kranz